IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

OP.No. 17810 of 2002(T)

PETITIONER:

MR.VEDANGA R.PRABHU,F.C.A.,GEORGE JOHN AND PRABHU,CHARTERED ACCOUNTANTS,39/3967, M.G.ROAD,KOCHI-682016

BY ADV. SRI.MATHAI M PAIKADAY(SR.)
SRI.K.B.GANGESH
SRI.JOE JOSEPH KOCHIKUNNEL

RESPONDENTS:
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1. **THE UNION OF INDIA,REPRESENTED BY ITS PRINCIPAL SECRETARY TO THE MINISTRY OF COMMERCE AND INDUSTRY DEPARTMENT OF COMMERCE AND INDUSTRY,NEW DELHI.**

2. **THE JOINT DIRECTOR,GENERAL OF FOREIGN TRADE,CHITTOOR ROAD,KOCHI-682011**

BY ADV. SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.N.N.SUGUNAPALAN,SC,POLUTION C.BOARD
SRI.S.R.AJITH, ACGSC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.17810/2002

ORDER ON CMP. NO.30310/2002 IN OP. NO.17810/2002

DISMISSED

24.07.2007 SD/- T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LETTER PREFERRED BY THE PETITIONER TO THE 2ND RESPONDENT DT. 4.3.02.

EXT.P2:- COPY OF THE COMMUNICATION FROM THE 2ND RESPONDENT TO THE PETITIONER DT. 14.3.02.

EXT.P3:- COPY OF THE LETTER PREFERRED BY THE PETITIONER TO THE 2ND RESPONDENT DT. 25.3.02.

EXT.P4-:- COPY OF THE LETTER PREFERRED BY THE PETITIONER TO THE 2ND RESPONDENT DT. 29.4.02.

EXT.P5:- COPY OF THE LAWYER NOTICE ISSUED TO THE 2ND RESPONDENT ON BEHALF OF THE PETITIONER DT. 31.5.02.

EXT.P6:- COPY OF THE REPLY TO THE LAWYER NOTICE FROM THE 2ND RESPONDENT DT. 7.6.02.

EXT.P7:- COPY OF THE 2ND LAWYER NOTICE ISSUED TO THE 2ND RESPONDENT ON BEHALF OF THE PETITIONER DT. 10.6.02.

RESPONDENTS EXHIBITS

EXT.R2(a):- COPY OF THE TRADE NOTICE NO.1/97 DT.5.6.97 ISSUED BY THE 2ND RESPONDENT.

EXT.R2(b):- COPY OF THE EXTRACT OF THE PARA-9 ,11 PRESENT HAND BOOK OF PROCEDURES.

EXT.R2(c):- COPY OF THE LETTER DT. 11.3.02 SEND TO THE 2ND RESPONDENT BY THE TRI- STAR SEAFOODS, COCHIN.

EXT.R2(d):- COPY OF THE LETTER DT. 2.4.01 SEND TO THE 2ND RESPONDENT BY THE GALE TECHNOLOGIESP.LTD.

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EXT.R2(e):- COPY OF THE LETTER DT. 12.7.01 SEND TO THE 2ND RESPONDENT BY THE NILA INFORMATICS.

EXT.R2(F):- COPY OF THE LETTER DT. 17.7.01 SEND TO THE 2ND RESPONDENT BY THE CARMEL HOSPITAL.

EXT.R2(g):- COPY OF THE LETTER DT. 24.8.01 SEND TO THE 2ND RESPONDENT BY THE UNISTAR IMPEX.

EXT.R2(h):- COPY OF THE LETTER DT. 1.2.02 SEND TO THE 2ND RESPONDENT BY THE S.D.EXPORTERS *IMPORTERS.

EXT.R2(i):- COPY OF THE LETTER DT. 7.3.02 SEND TO THE 2ND RESPONDENT BY THE J.S.L.PRODUCTS.

EXT.R2(j):- COPY OF THE LETTER DT. 29.1.02 SEND TO THE 2ND RESPONDENT BY THE MAC EXPORTERS.

EXT.R2(k):- COPY OF THE CYCLOSTYLED CHECK LIST GENERAL INSTRUCTION FOR BILLING OF IEC APPLICATION. ISSUED BY THE 2ND RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

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T.R.RAMACHANDRAN NAIR, J.

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O.P. No. 17810 of 2002-T.

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Dated this the 24th day of July, 2007.

J U D G M E N T

The petitioner is a practising Chartered Accountant. The grievance raised by the petitioner appears to be that when he visited the office of the 2nd respondent on 27.2.2002 along with one of his clients for submission of application for Importer, Exporter Code Number, they were not given a proper treatment and that the application itself was rejected since it was submitted in the folder of a Chartered Accountant. It is stated by the petitioner that he had sought for a clarification as per Ext.P1 which was replied as Ext.P2 by the 2nd respondent. It is the case of the petitioner that in spite of the instructions issued by the 2nd respondent, even though he went to the office of the 2nd respondent to meet him on 22.3.2002, he was not permitted to do so. Exts.P3 and P4 are other letters submitted by the petitioner expressing his reservations in this matter. Ultimately he issued a lawyer notice Ext.P5 which was replied as per Ext.P6 by the 2nd respondent.

2. The 2nd respondent has filed a detailed counter-affidavit. In para.7 of the same it has been pointed out that the prescribed time limit for allotment of IECN (Importer Exporter Code Number) is two working

days. But that office used to issue IECN on the same day or on the next day. The petitioner evaded the invitation of the 2nd respondent for a personal meeting to redress his grievance. It is also stated that there is no system of licensed agents for the DGFT Organisation and hence Chartered Accountant is considered at par with the general public. It is also averred that the applicant got his IECN card on the next day and he had informed that he had no complaint.

3. It is a case where the petitioner has moved this Court raising certain matters which according to me requires no adjudication by this Court especially in the light of the averments stated in the counter-affidavit. None of the legal rights of the petitioner are violated. In the reply Ext.P6 it has been clearly stated that the allegations raised by the petitioner are not correct. The petitioner had been given all opportunity to clarify the same also. At any rate the jurisdiction of this Court is only discretionary and there is nothing which requires interference by this Court. Therefore, the writ petition is dismissed. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-